

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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JULIO & SONS COMPANY,

Plaintiff,

v.

TRAVELERS CASUALTY AND SURETY  
COMPANY OF AMERICA,

Defendant.

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X

08 Civ. 03001 (RJH)

ECF Case

**NOTICE OF MOTION FOR  
PRELIMINARY INJUNCTION**

PLEASE TAKE NOTICE that, upon the accompanying (i) Memorandum of Law in Support of Julio & Sons' Motion for Preliminary Injunction; (ii) the Declaration of Shannon W. Conway, sworn to on July 17, 2008, and the exhibits thereto; and (iii) the Declaration of Robert V. Glaser, sworn to on July 17, 2008, Plaintiff Julio & Sons Company ("Julio & Sons"), by its attorneys Patton Boggs LLP, shall move this Court for an Order granting Julio & Sons Motion and requiring Defendant Travelers Casualty and Surety Company of America ("Travelers") to, within ten (10) days of the presentment of Julio & Sons' legal invoices for the defense costs incurred in connection with an underlying suit by Retail & Restaurant Growth Capital, LP, pay all amounts in such invoices except those which Travelers establishes are not reasonable and necessary, subject to the Court's supervision, and to advance Julio & Sons' defense costs as they are incurred in connection with that underlying suit in the future.

PLEASE TAKE FURTHER NOTICE that the Court has established the following schedule for the briefing of this motion pursuant to the Agreed Scheduling Order dated July 11, 2008:

1. Service and filing of moving papers – July 17, 2008;
2. Service and filing of answering papers – August 15, 2008;
3. Service and filing of reply papers – September 3, 2008.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Agreed Scheduling Order entered on July 11, 2008, the Court has ordered that a hearing on this motion shall be held on September 19, 2008 at 11:00 a.m.

New York, New York  
Dated: July 17, 2008

Respectfully submitted,

**PATTON BOGGS LLP**

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- and -

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